

Application No. 09/758,798  
Amendment dated 9/8/05  
After Final Office Action of 6/23/05

Docket No.: 102323-0062

### REMARKS

This reply is submitted in response to the Final Office Action dated June 23, 2005. Claims 1, 6, and 13 are amended, and claims 4, 5, and 7-11 are canceled without prejudice. The amendments above and remarks that follow address the points raised in the Office Action and, thereby place this application in condition for allowance.

#### Claim Rejections under 35 U.S.C. § 112

Claims 10 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 10 is canceled without prejudice, and claim 13 is amended to recite "each message packet comprises a first size including an initial number of bytes, and a second size including a further number of bytes." This amendment, which is formal in nature and which does not necessitate further searching, should be entered.

#### Claim Rejections under 35 U.S.C. § 103

Claims 1, 4-11, and 13-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,545,981 of Garcia in view of U.S. Patent No. 5,592,536 of Parkerson and U.S. Patent No. 6,674,735 of Saunders.

At the outset, claim 1 is amended to incorporate the limitations of prior claims 4 and 5. No subject matter is added and no new searching is required. Briefly, the amended claim is directed to a digital data system comprising a link that carries message packets. A first node sends a plurality of message packets to a second node on the link as a sequence of message packets. Each message packet is sent from the first node with a sequence identifier, and each message packet comprising an initial portion comprising an error code.

The second node inspects the error code for each packet received on the link to detect an error condition, and returns a control symbol along with the sequence identifier of the received packet to the first node based on the result of that inspection. The second node returns the control symbol to the first node before the entire message packet has arrived at the second node. The first node responds to the control symbol to control the further transmission of message packets to the second node over the link. The second node returns a packet-not-

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accepted control symbol to the first node indicating receipt on the link of a message packet that is out of sequence. The first node responds to the packet-not-accepted control symbol by re-sending a portion of the sequence of message packets.

The principal reference, Garcia, fails to teach or suggest a digital data system of the type recited in the pending claim, e.g., a system in which a first node sends a sequence of message packets to a second node, each packet including a sequence identifier and an initial portion comprising an error code, where the second node inspects the error code to detect an error condition and returns a control symbol along with the sequence identifier of the received packet to the first node before the entire message packet has arrived at the second node.

Thus, for example, contrary to claim 1, Garcia fails to teach or suggest that that the second node in a system of the type described above can return a control symbol to the first node that includes a sequence identifier of a packet received by the second node, e.g., based on inspection of an error code in that packet.

Nor, contrary to claim 1, by way of further example, does Garcia teach or suggest the second node returns the control symbol to the first node preemptively — that is, before the entire message packet has arrived at the second node, a feature of claim 1. The Examiner admits this in his Office Action.

Still further and, consequently, Garcia fails to teach or suggest that the first node responds to such a “preemptive” control symbol to control the further transmission of the in-progress message packets to the second node over the link.

Put another way, contrary to the claimed invention, nowhere does Garcia teach or suggest transmission of a control symbol (or other message or message portion) “preemptively” from a second node to a first node — i.e., during a period in which the first node is transmitting a message to the second node — which symbol is used by the first node to control transmission of that in-progress message.

The secondary reference, however, does not resolve the deficiencies of the principal reference, Garcia. Parkerson purports to teach a method of initiating a cordless phone

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connection between a base station and a handset station, where an originating packet and an answer packet are used to establish a connection. In such a system, a security code, which matches the base to the handset, is used to prevent crosstalk between multiple phone systems in the same vicinity.

As with Garcia and contrary to the claimed invention, Parkerson too fails to teach or suggest transmission of a control symbol (or other message or message portion) "preemptively" from a second node to a first node — i.e., during a period in which the first node is transmitting a message to the second node — which symbol is used by the first node to control transmission of that in-progress message.

Though Parkerson can result in a mode of operation where an attempt is made to resend a single packet multiple times, this cannot be said to constitute sending a "sequence" of packets as required in the pending claims. The term "sequence" is defined as is a list of objects (or events) arranged in a "linear" fashion, such that the order of the members is well defined and significant (Wikipedia definition of "sequence", <http://en.wikipedia.org/wiki/Sequence>). When the same packet is sent numerous times as in Parkerson, the order of these packets are irrelevant.

Even if the resending of the same packet is treated as "sequence" of packets, Parkerson does not teach that "the second node returns a packet-not-accepted control symbol to the first node indicating receipt on the link of a message packet that is out of sequence", and that "the first node responds to the packet-not-accepted control symbol by re-sending a portion of the sequence of message packets", both features of claim 1. Rather, Parkerson teaches sending an answer packet that indicates a matching or non-matching security code between the headset and base. There is no mention in Parkerson of the answer packet containing information regarding packet sequence.

Further, Saunders does not remedy the deficiencies of Garcia and Parkerson — namely, that Saunders does not teach a second node returning a control symbol to a first node before an entire message packet has arrived at the second node.

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Thus, claim 1 and claims 4-6 which depend from claim 1, are patentable over the combination of Garcia, Parkerson, and Saunders.

The arguments above apply with equal force to establish that independent claims 14, 16, and 17 are also patentable. For example, similar to claim 1, claim 17 recites that the second node returns the control symbol to the first node before the entire message packet has arrived at the second node – a feature not taught by the combination of Garcia, Parkerson, and Saunders.

Therefore, claim 15, which depends from claim 14, and claims 13, 16, and 17 distinguish patentably over the combined references.

### Conclusion

In view of the above amendments and remarks, Applicant respectfully submits that the claimed invention is patentable. Applicant therefore kindly requests reconsideration and allowance of the pending application.

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Respectfully submitted,

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